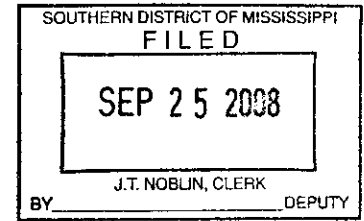


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**



**HONORA HILLIER**

**PLAINTIFF**

**VS.**

**CAUSE NO. 1:08cv00671 LG-RHW**

**USAA CASUALTY INSURANCE COMPANY**

**DEFENDANT**

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**NOTICE OF REMOVAL**

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COMES NOW defendant, USAA Casualty Insurance Company ("USAA CIC"), and hereby removes this civil action to the United States District Court for the Southern District of Mississippi, Southern Division. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

1.

In accordance with 28 U.S.C. § 1446, you are hereby notified that USAA CIC has removed the following case: Cause No. A2401-08-251 in the Circuit Court of Harrison County, First Judicial District, Mississippi, styled "*Honora Hillier v. United Services Automobile Association d/b/a USAA.*"

2.

The Complaint asserts allegations, and seeks recovery, with respect to a policy of insurance issued by USAA Casualty Insurance Company to plaintiff. To be specific, the Complaint seeks "Katrina type" claims against a policy of insurance issued by USAA Casualty Insurance Company.

3.

This action is within the original jurisdiction of this court based on diversity of citizenship and amount in controversy pursuant to 28 U.S.C. § 1332, in that:

- a. USAA CIC is incorporated in the State of Texas with its principal place of business located in San Antonio, Texas.
- b. The Complaint alleges that plaintiff was a citizen/resident of Harrison County, Mississippi, who currently resides in New Mexico. See Paragraph 1 of the Complaint.
- c. The subject matter of the pending action exceeds the sum or value of \$75,000.00. See Prayer for Relief of Complaint.

4.

The United States District Court for the Southern District of Mississippi is a proper venue because it is the federal judicial district in which a substantial part of the alleged events or omissions giving rise to the claims occurred and because the parties are subject to personal jurisdiction in the district.

5.

This civil action is therefore removed to the United States District Court for the Southern District of Mississippi on the basis of diversity of citizenship.

**TIMELINESS OF REMOVAL**

6

Pursuant to 28 U.S.C. § 1446(b), USAA CIC files this Notice of Removal within thirty days of receipt of the Plaintiff's Complaint in the state court action, which was the first pleading received by USAA CIC, through service of process on September 4, 2008, setting forth the claim for relief upon which such action is based. This case is removed less than one year after the commencement of the state court action, in compliance with 28 U.S.C. § 1446(b).

**COPIES OF STATE COURT PROCEEDINGS**

7.

Copies of all pleadings and process served on USAA CIC are attached hereto as Exhibit "A" pursuant to 28 U.S.C. § 1446.

**NOTICE TO THE STATE COURT**

8.

The Defendant herein will immediately file with the Circuit Court of Harrison County, First Judicial District, Mississippi, a true and correct copy of this notice, thereby effecting removal of this action to this Court. Pursuant to 28 U.S.C. § 1446(d), no further proceedings shall be had in the Circuit Court of Harrison County, First Judicial District, Mississippi, unless or until this matter is remanded.

**NOTICE TO THE PLAINTIFFS**

9.

Pursuant to 28 U.S.C. § 1446(d), and consistent with our Certificate of Service, Plaintiff is being provided with a copy of this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, defendant, USAA CIC, respectfully prays that this Notice of Removal be accepted and approved, and that said suit be removed to the United States District Court for the Southern District of Mississippi, Southern Division, and that the Circuit Court of Harrison County, First Judicial District, Mississippi, proceed no further with this action.

Respectfully submitted, this 24 day of September, 2008.

**USAA CASUALTY INSURANCE COMPANY**

BY:   
ROBERT P. THOMPSON (MSB NO. 8188)

OF COUNSEL:

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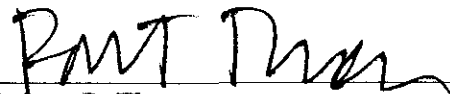
**CERTIFICATE OF SERVICE**

I, Robert P. Thompson, do hereby certify that I have this day caused to be delivered via U.S.

Mail, postage prepaid, a true and correct copy of the above and foregoing Notice of Removal to:

Tina L. Nicholson, Esq.  
Merlin Law Group, P.A.  
Three Riverway, Suite 1375  
Houston, TX 77056

This the 24 day of September, 2008.

  
Robert P. Thompson